

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)
ANTOINE BOYCE #R-51888,)
Petitioner,)
v.) No. 13 C 1923
MICHAEL LEMKE, Warden,)
Respondent.)

MEMORANDUM ORDER

Antoine Boyce ("Boyce") has filed a notice of appeal from this Court's March 14, 2013 memorandum order ("Order") that dismissed his attempted 42 U.S.C. §2254 ("Section 2254") Petition for Writ of Habeas Corpus because his three claims of asserted constitutional deprivation were all matters of state criminal law, which accordingly failed to meet either standard set out in Section 2254(b). Boyce has accompanied his notice of appeal with two handprinted documents: his Motion for Leave To Proceed In Forma Pauperis ("Motion") and his Application for a Certificate of Appealability ("Application").

As for the first, Boyce refers in Motion ¶2 to an "attached certified statement of prison account"--but no such statement was in fact attached (an absence confirmed by the electronic record that reports the filed document as comprising only the four handprinted pages of the Motion itself). That of course makes it impossible for this Court to make the 28 U.S.C. §1915 calculation as to Boyce's in forma pauperis posture. Accordingly Boyce is

ordered to obtain and to submit to this Court as quickly as possible the required statement of all transactions in his trust fund account at Stateville Correctional Center, where he is now incarcerated) for the period from October 1, 2012 through March 31, 2013.

As for the certificate of appealability ("COA"), what this Court said in its brief Order dispatching Boyce's Petition demonstrates that Boyce has not "made a substantial showing of the denial of a constitutional right" as is required by 28 U.S.C. §2253(c)(2), so that this Court denies the COA. Boyce may tender that issue to the Court of Appeals pursuant to Fed. R. App. P. 22(b)(1).



Milton I. Shadur
Senior United States District Judge

Date: April 22, 2013